

# BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

<b>IN THE MATTER OF THE APPLICATION FOR AN ORDER )          ESTABLISHING A NATURAL GAS LOCAL DISTRIBUTION )          UTILITY, AND TO ESTABLISH INITIAL NATURAL GAS )          TRANSPORTATION RATES FOR NORTHERN STATES )          POWER COMPANY )</b>	<b>ORDER ASSESSING )          FILING FEE AND )          ESTABLISHING )          INTERVENTION )          DEADLINE )            NG97-021 )            )</b>
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On December 16, 1997, Northern States Power Company (NSP), filed with the Public Utilities Commission (Commission) an application for an order establishing a natural gas local distribution utility, and to establish initial natural gas transportation rates. The initial rate will allow NSP-SD to serve the new Hutchinson Technology, Inc. (HTI) facility in the Sioux Empire Development Park Number 5 in eastern Sioux Falls, SD through a new distribution lateral pipeline. HTI had contacted NSP-SD and requested the proposed service. The proposed tariff, rate schedule, and form of service agreement would establish NSP-SD as a regulated utility in the state of South Dakota, subject to Commission jurisdiction. The proposed maximum rate is a volumetric rate per Mcf with a per month fixed customer service charge. At present, only HTI is affected by the proposed rate and tariff. The HTI plant is expected to be in commercial operation in February of 1998.

NSP is also requesting that the Commission waive the tariff schedule arrangement and form of tariff rules found at ARSD 20:10:13:04 and 20:10:13:05 to the extent necessary to accept the proposed tariff and rates on the proposed effective date of January 16, 1998. NSP also requests waiver of any other Commission rules necessary to allow the tariff and rate to be effective on the date requested. NSP has further requested the Commission to approve the proposed initial rate, subject to refund and subject to hearing, within 30 days following the date of the filing.

SDCL 49-1A-8 authorizes the Commission to require a deposit of up to one hundred thousand dollars (\$100,000) in the South Dakota Public Utilities Commission's (SDPUC) regulatory assessment fee fund to defray Commission expenses incident to analyzing and ruling upon this type of filing. Pursuant to SDCL 1-26-17.1 and ARSD 20:10:01:15.02 and .03, any individual or entity may file a petition to intervene or may comment on the merits of NSP's filing on or before February 9, 1998.

At its regularly scheduled meeting of January 8, 1998, the Commission considered this matter. The Commission found that pursuant to SDCL 49-1A-8, NSP shall be assessed a filing fee as requested by the executive director up to the statutory limit of \$100,000. The Commission further directed the executive director to set an intervention deadline in this matter. It is therefore

**ORDERED** that NSP shall deposit a filing fee, to be established by the executive director, in the SDPUC regulatory fee fund and it shall deposit any additional amounts as requested by the executive director; and it is further

ORDERED, that any individual or entity may file with the Commission its petition to intervene no later than February 9, 1998.

Dated at Pierre, South Dakota, this 22nd day of January, 1998.

**CERTIFICATE OF SERVICE**

BY ORDER OF THE COMMISSION:

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

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JAMES A. BURG, Chairman

By:\_\_\_\_\_

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PAM NELSON, Commissioner

Date:\_\_\_\_\_

(OFFICIAL SEAL)

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LASKA SCHOENFELDER,  
Commissioner